

REMARKS

Claims 1, 54 and 59 are Allowable

The Office has rejected claims 1, 54 and 59, at paragraph 2 of the Final Office Action, under 35 U.S.C. § 112 second paragraph as failing to provide sufficient antecedent basis. Applicant respectfully disagrees; however, claims 1, 54 and 59 have been amended as requested in the Final Office Action to expedite prosecution of the application.

Claims 1, 5-8, 29, 31 and 53-60 are Allowable

The Office has rejected claims 1, 5-8, 27-29, 31, and 52-60, at page 2 of the Final Office Action, under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Pub. No. 2003/0039242 (“Moore”) in view of U.S. Pat. Pub. No. 2004/0259544 (“Amos”). Claims 27, 28 and 52 have been canceled, without prejudice or disclaimer, rendering the rejections of those claims moot. Applicant respectfully traverses the remaining rejections.

Claims 1, 5-8, 29, 31 and 53

The cited portions of Moore and Amos do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Moore and Amos do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1. The Final Office Action admits that Moore fails to disclose this element of claim 1. *Final Office Action*, p. 4.

In contrast to claim 1, Amos discloses a system and method for sending and receiving Voice-over-Internet Protocol (VoIP) over a wireless computer network utilizing a hybrid wireless VoIP telephone. *Amos*, Abstract. Amos discloses a wireless handset that communicates via two different local area network protocols (802.11x and Bluetooth). *See e.g., Amos*, paragraph [0015], and paragraph [0040]. The cited portions of Amos do not disclose “wherein

calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request” at least because they do not disclose calls addressed to a mobile communication device via a mobile telephony network. Amos also discloses establishing a Bluetooth connection between a wireless handset and a base station, and continuing to transmit over the Bluetooth connection when the wireless handset determines that a signal from the Bluetooth connection has not been lost. *Amos*, paragraph [0040]. However, the cited portions of Amos do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1.

Further, the cited portions of Moore and Amos fail to disclose or suggest power circuitry configured to selectively power the mobile telephony circuitry and the service request module, where the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and where the service request module is powered when the mobile communication device is within range of the wireless network base station, as in claim 1.

In contrast to claim 1, Amos discloses a system and method for sending and receiving Voice-over-Internet Protocol (VoIP) over a wireless computer network utilizing a hybrid wireless VoIP telephone. *Amos*, Abstract. Amos discloses a wireless handset that communicates via two different local area network protocols (802.11x and Bluetooth). *See e.g., Amos*, paragraph [0015], and paragraph [0040]. Amos discloses that the wireless handset may utilize a power save mode available under the IEEE 802.11x standard. *Amos*, paragraph [0009]. In the power save mode, the wireless handset may indicate its desire to enter a “sleep” state to an access point. *Id.* In the sleep state, an 802.11x transmitter of the wireless handset may turn off for a period of time, and turn back on at predetermined times to receive data that has been buffered at the access point. *Amos*, paragraph [0009] and paragraph 0040]. However, the cited portions of Amos do not disclose power circuitry configured to selectively power the mobile

telephony circuitry and the service request module, where the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and where the service request module is powered when the mobile communication device is within range of the wireless network base station, as in claim 1. The power save mode of the 802.11x standard does not disclose or suggest power circuitry that powers mobile telephony circuitry when the mobile communication device is out of range of a wireless network base station. Rather, the power save mode is operational regardless of the location of the wireless handset since the 802.11x transmitter must wake up periodically to receive data buffered at the base station. Hence, claim 1 is allowable.

Claims 1, 5-8, 29, 31 and 53 depend from claim 1, which Applicant has shown to be allowable. Hence, the cited portions of Moore and Amos fail to disclose at least one element of each of claims 1, 5-8, 29, 31 and 53. Accordingly, claims 1, 5-8, 29, 31 and 53 are also allowable, at least by virtue of their dependence from claim 1.

Additionally, the dependent claims include features not disclosed or suggested by the cited portions of Moore and Amos. For example, the cited portions of Moore and Amos do not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network via a modem, as in claim 29. In contrast to claim 29, Moore discloses that a mobile handset sends a message to the mobile telephone network to initiate or cancel call forwarding. *Moore*, paragraphs [0018], [0032], [0034], [0035] among others. The cited portions of Moore do not disclose or suggest a wireless network base station that sends a call control message to a registration system associated with the mobile telephony network, as in claim 29. Amos discloses a system and method for sending and receiving Voice-over-Internet Protocol (VoIP) over a wireless computer network utilizing a hybrid wireless VoIP telephone. *Amos*, Abstract. Amos discloses a wireless handset that communicates via two different local area network protocols (802.11x and Bluetooth). *See e.g., Amos*, paragraph [0015], and paragraph [0040]. The cited portions of Amos do not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network via a modem, as in claim 29. Hence, claim 29 is allowable for at least this additional reason.

Additionally, the cited portions of Moore and Amos do not disclose or suggest a voice conversion module that converts between voice communications and Voice over Internet Protocol (VoIP) data packets, and where a wireless network base station gives the VoIP data packets higher priority than other data packets, as in claim 53. Moore discloses data traffic that includes telephony data traffic and/or Internet protocol (IP) data traffic. *Moore*, Abstract. However, the cited portions of Moore do not disclose giving VoIP data packets higher priority than other data packets, as in claim 53. Amos discloses a system and method for sending and receiving Voice-over-Internet Protocol (VoIP) over a wireless computer network utilizing a hybrid wireless VoIP telephone. *Amos*, Abstract. The cited portions of Amos do not disclose giving VoIP data packets higher priority than other data packets, as in claim 53. Hence, claim 53 is allowable for at least this additional reason.

Claims 54-58

The cited portions of Moore and Amos do not disclose or suggest the specific combination of claim 54. For example, the cited portions of Moore and Amos do not disclose determining whether a wireless network base station is a pre-determined wireless network base station, and establishing a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, as in claim 54.

The cited portions of Moore do not disclose or suggest determining whether a wireless network base station is a pre-determined wireless network base station, and establishing a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, as in claim 54.

Amos discloses a system and method for sending and receiving Voice-over-Internet Protocol (VoIP) over a wireless computer network utilizing a hybrid wireless VoIP telephone. *Amos*, Abstract. However, the cited portions of Amos do not disclose or suggest determining whether a wireless network base station is a pre-determined wireless network base station, and establishing a communication path with the wireless network base station via a wireless data

network protocol when the wireless network base station is a pre-determined wireless network base station, as in claim 54.

Further, in rejecting claim 49, the Final Office Action admits that “the combination of Moore and Amos do not disclose the mobile communication device where the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification.” *Final Office Action*, p. 12-13. The Final Office Action goes on to assert that U.S. Pat. No. 6,950,675 (“Wilhelm”) discloses this element of claim 49. However, the cited portions of Wilhelm do not disclose or suggest determining whether a wireless network base station is a pre-determined wireless network base station and establishing a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, as in claim 54.

Wilhelm discloses a radio communication system in which at least one base station contains a transceiver to transmit and receive by various radio transmission modes. *Wilhelm*, Abstract. A subscriber terminal transmits an identification code to the base station. *Wilhelm*, col. 6, lines 58-61. The identification code indicates a preferred radio transmission mode. *Wilhelm*, col. 6, lines 58-67. Thus, Wilhelm discloses sending an identification of a preferred radio mode from a subscriber station to a base station. The cited portion of Wilhelm fail to disclose determining whether a wireless network base station is a pre-determined wireless network base station and establishing a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, as in claim 54. Hence, claim 54 is allowable.

Claims 55-58 depend from claim 54, which Applicant has shown to be allowable. Hence, the cited portions of Moore and Amos fail to disclose at least one element of each of claims 55-58. Accordingly, claims 55-58 are also allowable, at least by virtue of their dependence from claim 54.

Claims 59-60

The cited portions of Moore and Amos do not disclose or suggest the specific combination of claim 59. For example, the cited portions of Moore and Amos do not disclose a power supply controller adapted to power down a service request module when a mobile communication device is not in proximity to a wireless network base station, as in claim 59.

The Final Office Action admits that Moore does not disclose this element of claim 59. *Final Office Action*, p. 8. The cited portions of Amos also do not disclose or suggest this element of claim 59. Amos discloses that the wireless handset may utilize a power save mode available under the IEEE 802.11x standard. *Amos*, paragraph [0009]. In the power save mode, the wireless handset may indicate its desire to enter a “sleep” state to an access point. *Id.* In the sleep state, an 802.11x transmitter of the wireless handset may turn off for a period of time, and turn back on at predetermined times to receive data that has been buffered at the access point. *Amos*, paragraph [0009] and paragraph 0040].

However, the cited portions of Amos do not disclose a power supply controller adapted to power down a service request module when a mobile communication device is not in proximity to a wireless network base station, as in claim 59. The power save mode of the 802.11x standard does not disclose or suggest power circuitry that powers down a service request module when a mobile communication device is not in proximity to a wireless network base station; rather, the power save mode operates while the wireless handset is within range of the base station. Specifically, the 802.11x transmitter must wake up periodically to receive data buffered at the base station, and hence, must be within range of the base station. Accordingly, claim 59 is allowable.

Claim 60 depends from claim 59, which Applicant has shown to be allowable. Hence, the cited portions of Moore and Amos fails to disclose at least one element of claim 60. Accordingly, claim 60 is also allowable, at least by virtue of its dependence from claim 59.

Claims 2 and 3 are Allowable

The Office has rejected claims 2 and 3, at paragraph 5 of the Final Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Amos and further in view of U.S. Pat. No. 5,920,815 (“Akhavan”). Applicant respectfully traverses the rejections.

Claims 2 and 3 depend from claim 1. As discussed above, the cited portions of Moore and Amos fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Moore and Amos do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1. The cited portions of Akhavan also do not disclose or suggest this element of claim 1. Rather, Akhavan discloses a Personal Communication System (PCS) using a Personal Phone Number (PPN) associated with each portable subscriber station. *Akhavan*, Abstract. Akhavan discloses that the hand set monitors the existence of communications between it and the base station and, automatically reactivates the cellular mode function when it determines that communications no longer exist with the base station. *Akhavan*, col. 19, lines 48-59. The cited portions of Akhavan do not disclose or suggest a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1.

Further, the cited portions of Moore and Amos do not disclose power circuitry configured to selectively power the mobile telephony circuitry and the service request module, where the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and where the service request module is powered when the mobile communication device is within range of the wireless network base station, as in claim 1. The cited portions of Akhavan also do not disclose or suggest this element of claim 1. Hence the cited portions of Moore, Amos and Akhavan fail to disclose or suggest one or more elements of

claim 1. Accordingly, claims 2 and 3 are allowable, at least by virtue of their dependence from claim 1.

Claim 47 is Allowable

The Office has rejected claim 47, at page 11 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Amos, and Akhavan and further in view of U.S. Pat. No. 6,091,948 ("Carr"). Applicant respectfully traverses the rejection.

Claim 47 depends from claim 1. The cited portions of Moore, Amos, Akhavan and Carr, fail to disclose or suggest at least one element of claim 1. For example, as previously discussed, the cited portions of Moore, Amos, and Akhavan do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1. Additionally, the cited portions of Moore, Amos, and Akhavan do not disclose power circuitry configured to selectively power the mobile telephony circuitry and the service request module, where the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and where the service request module is powered when the mobile communication device is within range of the wireless network base station, as in claim 1. The cited portions of Carr also do not disclose or suggest these elements of claim 1. Rather, Carr discloses a call forwarding automation feature in a wireless telephone that provides automatic activation and deactivation of call forwarding. *Carr*, Abstract. Hence, claim 47 is allowable, at least by virtue of its dependence from claim 1.

Claim 48 is Allowable

The Office has rejected claim 48, at paragraph 6 of the Final Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Amos and further in view of U.S. Pat. No. 6,708,028 ("Byrne"). Applicant respectfully traverses the rejection.

Claim 48 depends from claim 1. The cited portions of Moore, Amos and Byrne, fail to disclose or suggest at least one element of claim 1. For example, as previously discussed, the

cited portions of Moore and Amos do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1. Additionally, the cited portions of Moore and Amos do not disclose power circuitry configured to selectively power the mobile telephony circuitry and the service request module, where the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and where the service request module is powered when the mobile communication device is within range of the wireless network base station, as in claim 1.

The cited portions of Byrne also do not disclose or suggest these elements of claim 1. Rather, Byrne discloses a radio telephone capable of being operated in more than one radio telephone system. *Byrne*, Abstract. The radio telephone handset of Byrne monitors both a cellular network and a cordless system for incoming calls. *Byrne*, col. 2, lines 26-34. Hence, claim 48 is allowable, at least by virtue of its dependence from claim 1.

Claims 49-51 are Allowable

The Office has rejected claims 49-51, at paragraph 8 of the Final Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Amos and further in view of U.S. Pat. No. 6,950,675 (“Wilhelm”). Applicant respectfully traverses the rejections.

Claims 49-51 depend from claim 1. The cited portions of Moore, Amos and Wilhelm, fail to disclose or suggest at least one element of claim 1. For example, as previously discussed, the cited portions of Moore and Amos do not disclose a service request module configured to periodically send a session continuation request to a wireless network base station, where calls addressed to a mobile communication device via a mobile telephony network are forwarded to the mobile communication device via the wireless network base station while the wireless network base station periodically receives the session continuation request, as in claim 1. Additionally, the cited portions of Moore and Amos do not disclose power circuitry configured to selectively power the mobile telephony circuitry and the service request module, where the mobile telephony circuitry is powered when the mobile communication device is out of range of

the wireless network base station, and where the service request module is powered when the mobile communication device is within range of the wireless network base station, as in claim 1.

The cited portions of Wilhelm also do not disclose or suggest these elements of claim 1. In contrast to claim 1, Wilhelm discloses a radio communication system in which at least one base station contains a transceiver to transmit and receive by various radio transmission modes. *Wilhelm*, Abstract. A subscriber terminal transmits an identification code to the base station. *Wilhelm*, col. 6, lines 58-61. The identification code indicates a preferred radio transmission mode. *Wilhelm*, col. 6, lines 58-67. Hence, claims 49-51 are allowable, at least by virtue of their dependence from claim 1.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Final Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

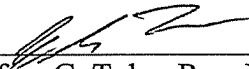
The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

6-4-2008

Date



Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
Toler Law Group, Intellectual Properties
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)